

Sixth Appellate District

San Jose, California

MONDAY, NOVEMBER 3, 2008

The following case is submitted this date:

H032202 PEOPLE v. COLIN

H032777 PEOPLE v. E.C.

The order is affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed November 3, 2008

TUESDAY, NOVEMBER 4, 2008

The following cases are submitted this date:

H031649 PEOPLE v. SINGH

H032235 PEOPLE v. GARIBAY

H032471 PEOPLE v. FAIRMONT SPECIALTY GROUP

H031976 PEOPLE v. TRAN

H032230 PEOPLE v. IBANEZ

H032504 MARTINEZ v. MARTINEZ

H031770 PEOPLE v. GOMEZ

The judgment is reversed and remanded for possible retrial on count 8, the solicitation charge (§ 653f). If the prosecutor elects not to retry this count within 30 days after remittitur, the trial court shall proceed to resentence appellant on counts 1, 2, 3, 5, 6, and 7. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed November 4, 2008

WEDNESDAY, NOVEMBER 5, 2008

(no minute approved orders)

THURSDAY, NOVEMBER 6, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H015871 PEOPLE v. GRUNAU

Cause called and argued by Paul Couenhoven appearing for Appellant and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031156 PEOPLE v. SCHWARTZMILLER

Cause called and argued by Mark Greenberg appearing for Appellant and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

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Thursday, November 6, 2008 (continued)

Elia, J., leaves the bench and Bamattre-Manoukian, J., takes the bench.

H032012 WADE v. SCHRADER, et al.

Cause called and argued by Edward Fisch appearing for Appellant and by Michael K. Johnson appearing for Respondents. Cause ordered submitted.

Premo, J. and Bamattre-Manoukian, J. leave the bench and Mihara, J. and McAdams, J. take the bench.

H032743 HERNANDEZ v. SUPERIOR COURT

Cause called and argued by Courtney J. Shevelson appearing for Petitioner and by Brent W. Wilner, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Court is adjourned.

H031468 SPINKS v. EQUITY RESIDENTIAL BRIARWOOD APARTMENTS, et al.

We reverse the February 2007 summary judgment for defendants, as well as the May 2007 judgment awarding defendants attorney fees and costs. Plaintiff shall have costs on appeal. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed November 6, 2008

H032357 PEOPLE v. HARRIS

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed November 6, 2008

H032639 PEOPLE v. J.L.

Filed order publishing opinion.
(Bamattre-Manoukian, Acting P.J., McAdams, J., Duffy, J.)

Sixth Appellate District

San Jose, California

FRIDAY, NOVEMBER 7, 2008

The following cases are submitted this date:

H033384 R.C. v. SUPERIOR COURT
H033344 A.M. v. SUPERIOR COURT
H032859 In re C.B.; SANTA CRUZ COUNTY HRA v. N.B.
H032634 PEOPLE v. LAWLOR
H032725 PEOPLE v. SANCHEZ
H033045 PEOPLE v. LABOUE
H032742 PEOPLE v. ORTIZ
H033124 PEOPLE v. ROSAS
H032825 PEOPLE v. PEREZ
H033048 PEOPLE v. WRIGHT
H032862 PEOPLE v. A.G.
H033076 PEOPLE v. PORTIS
H033015 PEOPLE v. SILVA
H033196 PEOPLE v. BAMBER

H032339 PEOPLE v. PERKINS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Mihara, J.)
Filed November 7, 2008

H031048 MURGUIA v. MURGUIA

The order, which was filed on December 12, 2006, denying the motion to set aside the 1998 default judgment and awarding attorney's fees is affirmed. The appeal from the temporary order, which was filed on April 3, 2006, vacating and expunging the acknowledgment of satisfaction of judgment is dismissed. Costs on appeal are awarded to the Murguias. (not published) (Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed November 7, 2008

H032876 PEOPLE v. SHEPARD

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed November 7, 2008

H031723 LAUB, as Trustee, etc. v. DUDLEY

The trial court's order of April 13, 2007 is affirmed in its entirety. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed November 7, 2008

Sixth Appellate District

San Jose, California

Friday, November 7, 2008 (continued)

H032472 DUDLEY v. TOSTEVIN, as Trustee, etc., et al.

The October 2007 order dismissing Dudley's petition is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed November 7, 2008

H032660 IN RE CONSTANCE ANNE DUDLEY ON HABEAS CORPUS

The petition for a writ of habeas corpus is granted. Let a writ of habeas corpus issue, directing the trial court to annul its finding of contempt against petitioner. (not published)

(McAdams, J.; I concur: Bamattre-Manoukian, Acting P.J., Concurring opinion by Mihara, J.)

Filed November 7, 2008

H032510 In re T.A., Jr., et al; DFCS v. T.A., Sr., et al.

The appeal is dismissed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed November 7, 2008